

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE

THE PRUDENTIAL INSURANCE)
COMPANY OF AMERICA,)
Plaintiff,)
v.)
CHRISTINE LOPEZ PERRY and)
JENNIFER A. WILLIAMS, as Mother)
and Legal Guardian of J.B.P., T.M.P.)
and K.E.P., minors,)
Defendants.)
No. 1:15-cv-162
Judge McDonough/Steger

REPORT AND RECOMMENDATION

Pursuant to 28 U.S.C. § 636(b), the undersigned United States Magistrate Judge conducted a motion hearing in this case on August 25, 2016. Upon Joint Motion for Distribution of funds, Dismissal of Plaintiff The Prudential Insurance Company of America (“Prudential”), Appointment of a Guardian ad litem, and other relief, and the Court having considered the application of counsel, and for good cause having been shown, the undersigned hereby RECOMMENDS the following with respect to disposition of the referenced motion¹:

1. Prudential shall deliver to its counsel, d'Arcambal Ousley & Cuyler Burk LLP, at 40 Fulton Street New York, New York, 10038, a check made payable to "d'Arcambal Ousley & Cuyler Burk, LLP" in the amount of \$6,783.75, as payment of attorney fees in this action, to be

¹ Any objections to this Report and Recommendation must be served and filed within fourteen (14) days after service of a copy of this recommended disposition on the objecting party. Such objections must conform to the requirements of Rule 72(b) of the Federal Rules of Civil Procedure. Failure to file objections within the time specified waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 88 L.Ed.2d 435, 106 S. Ct. 466 (1985). The district court need not provide *de novo* review where objections to this Report and Recommendation are frivolous, conclusive or general. *Mira v. Marshall*, 806 F.2d 636 (6th Cir. 1986). Only specific objections are reserved for appellate review. *Smith v. Detroit Federation of Teachers*, 829 F.2d 1370 (6th Cir. 1987).

deducted from the \$400,000.00, representing life insurance proceeds payable as a result of the death of Timothy Perry (the “Insured”) under group life insurance plan number G-32000 (the “Plan”), which was issued by Prudential, through the Office of Servicemembers’ Group Life Insurance (“OSGLI”), to the United States Department of Veterans Affairs pursuant to the SGLI statute, 38 U.S.C. § 1965 *et seq.* (the “Death Benefit”);

2. Within 21 days of the entry of the Court’s Order, Prudential shall distribute to the “Brent R. Watson, Trust Account” the sum equal to the remainder of the Death Benefit payable plus applicable claim interest, if any (together, the “Funds”);

3. Upon distribution of the Funds as set forth above in paragraph 2, Prudential shall be, and hereby is, discharged from any and all liability to Defendants Christine Perry Lopez and Jennifer A. Williams, as mother and legal guardian of J.B.P., T.M.P., and K.E.P., minors (collectively, the “Adverse Claimants”) relating in any way to the Plan and/or the Death Benefit and/or the Funds, and for the Adverse Claimants to be, and hereby are, permanently enjoined from making any further actual or implied claims, demands and causes of action, asserted or unasserted, express or implied, foreseen or unforeseen, real or imaginary, suspected or unsuspected, known or unknown, liquidated or unliquidated, of any kind or nature or description whatsoever, that the Adverse Claimants, jointly and severally, ever had, presently have, may have, or claim or assert to have, or hereinafter have, may have, or claim or assert to have, against Prudential with respect to payment of the Death Benefit and/or otherwise in connection with the Plan or the Funds;

4. Jennifer A. Williams shall be appointed as Guardian ad litem to J.B.P., T.M.P., and K.E.P., minors, for purposes of approving the relief recommended herein and releasing Prudential of all liability under the Plan;

5. Prudential shall be dismissed, with prejudice, and without further costs or fees to any party.

6. It is RECOMMENDED that the District Court Judge enter an order which shall be deemed a final judgment in accordance with Fed. R. Civ. P. 54(b), there being no just reason for delay.

SO ORDERED.

ENTER.

s/ Christopher H. Steger
United States Magistrate Judge